1305 F: HYD. ACT III] Destruction of Useless Records

قانون تلف كاغذات بيكارنشان (٣)مهنسلان

(Translation)

SCHEDULE.

ENACTMENTS AND CIRCULARS AS REPEALED BY

SECTION 2 OF THE DESTRUCTION OF USELESS RECORDS ACT.

Title, with date and year.	Subject.	Extent of repeal.	Re-
1	2	3	4
Regulation dated 24th Rabi-ul-Awal 1302 H.	Powers of High Court Regulation.	So much as relates to destruction of useless records.	
Regulation dated 1300 H.	Powers of First Board of Revenue Regulation.	Clause 52 and so much as relates to destruction of useless records.	

من منبوخ شکور فعرد این منبوخ مندور مندور این منبوخ مندور من

Clark's	تن مقدار بيخ	مضمول خلاصه	ناك بقيدًا مَنْ وَسُنَّا		
7	٣	۲	1		
	من المور المعادلة الميكار المعادلة الميكار المروز للف المعادلة الميكار المتعادلة الميكار	دستورایل اشرادایم معادی مردی معادی مردی دستورایل اقدادای ادل معرفارهای			
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General [1308 F: HYD. ACT III Clauses

(Translation)

THE GENERAL CLAUSES ACT No. III of 1308 F.

Sections.

Preamble.

PRELIMINARY.

1. Short title, extent and commencement.

GENERAL DEFINITIONS.

- 2. Definitions.
 - (1) Act.
 - (2) Part.
 - (3) Chapter.
 - (4) Section.
 - (5) Sub-Section.
 - (6) Schedule.
 - (7) Mamalik-e-Mahrusa-Sarkare-Ali (H. E. H. the Nizam's Dominion).
 - (7a) Balda.

(4) مالك يرومير سركارها في -

- (٤- المذ) بلاه -

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General [1308 F: HYD. ACT III Clauses

(Translation)

- (8) District.
- (9) Sarkar.
- (10) Principal Revenue Department.
- (11) Local Authority.
- (12) Taluqdar.
- (13) District Court.
- (14) Magistrate.
- (15) Jarida.
- (16) Notification.
- (16a) Order.
- (17) Rule.
- (17a) Government Servant.
- (17b) Act of a Government servant.
 - (18) Order of Government servant
 - (19) Power.
- (19a) Property.
- (20) Immovable property.
 - (21) Movable property.
- (21a) Goods.
- (22) Rupee.
 - (23) Writing.
 - (24) Signature.
 - (25) Document.

قاون قبيرواطلاق قائين فشان دس مهملكرب

دن اعلى محكرمال -(11) محلس مقامی -(۱۶) تعلمت رار -(١١١)عدالت صلع -د سي ناظم فوجسداري -۱۷۱- الفت) لحلائم مسركا رى -(12 س ، مركارى طازم كفسل -(۱۸) حکم المازم مسبرکاری -روا ، احتسبار (14- الف) جا كذا و -د دوي جائدا وغير تنقوله -١١٦٦ خِنَا تُدَا وَمُنْعَوَّلُهِ -

۱۵۱ دمستاه بز-

General [1308 F: HYD. ACT III Clauses (Translation)

(25a) Valuable security.

(25b) Bond.

(26) Will.

(26a) Registered.

(27) Oath.

(28) Affidavit.

(29) Act.

(30) Offence.

(31) Abet.

(32) Illegal.

(33) Legally bound to do.

(34) Injury.

(35) Public Nuisance.

(36) An act to be done in good faith.

(37) Imprisonment.

(38) Month.

(39) Year.

(40) Singular and plural.

(41) Masculine and Feminine.

(42) Public.

(43) Person.

(43a) Minor.

د ونور الف كفا لت المال -٠- - المار - ١٥٠ ر ۲۳) فلات قالون -رسوس أمركاكه تأقالوناً واجه - Ulu(ma) (۱۸) واحدوجمع -(المي يفركرو مونت -د سريم كن تنتخص -وسوبهم رواهت عليا لنخ _

واطلاق تواس رتان دس بوط الد

1308 F: HYD. ACT III] General Clauses (Translation)

- (44) Father.
- (45) Son.
- (45a) Cattle.
- (46) Vessel.
- 2.A. SARFEKHAS AREA AND SARFEKHAS SERVANTS SHALL BE DEEMED TO BE OF GOVERNMENT.

APPLICATION OF ACTS.

3.

- 4. Construction of references to repealed enactments.
- 5. Commencement and termination of time.
- 6. Computation of time.
- 7. Measurement of distances.
- 8. Duty to be taken pro rata in enactment.

POWERS AND FUNCTIONARIES.

- 9. Powers conferred shall be exercisable from time to time.
- 10. Power to appoint includes power to appoint ex-officio.
- 11. Exercise of powers in case of transfer from one office to another.

مانون تعبير واطلاق قوانين نشان دس مر ملكم

(۱۳۲۰) بیا ب -(۱۳۵۰) بیا -(۱۳۵۰) بیا -(۱۳۵۰) مرکب تری -۱۱ الف علاقه صرف خاص و ملازما ن صرفحاص مرکاری تقور میوں گے -

كي صورت بس اختيارات على س لانا -

	[1308 F : HYD.	ACT	m	
Clauses				
	(Translation)			

- 12. Power to appoint includes Power to suspend or dismiss.
- 13. Substitution of functionaries
- 14. Successors.

PROVISIONS AS TO ORDERS AND RULES UNDER ENACTMENT.

- 15. Power to make rules, etc., includes power to add, to vary or rescind them.
- 16. Making and issuing of rules, etc., between passing and enforcement of enactment.
- 17. Provisions to make rules, etc., after previous publication.
- 18. Construction of orders, etc., issued under enactments.
- 19. Continuation of rules etc., issued under enactments repealed.

MISCELLANEOUS.

20. Recovery of fines.

۱۲ تقرر کے احتیار میں طل یاموقرت کر ا کا اختیار داخل ہے۔ ۱۳ عبد دواروں کی مگروز سروں کا ما ن حکام اورواعد: ١١ قواعد دغيره كاومنع كركے عادى كانا ما بين خلور مونے اور ناف ديونے ما دی کے مائیں ۲۰ جوما يون كاوهول كياما تا-

1308 F: HYD. ACT III] General Clauses (Translation)

- 21. Provision as to offences
 Punishable under two or
 more enactments.
- 22. Citation of enactments.
- 23. Appeal against orders of punishment.
- 24. Omitted.

عَالَوْنَ تَعْبِيرُواطِلانَ قَوْامْينَ - نَا نَ اللهُ المُسْتِلَمِينَ

الم احکام نیت ان جرائم کے جودویا زیادہ قوانین سے ہوجب تسائل محسنرا ہوں -۱۲ و کر تو انین کا -۱۲ ایکام سزاکا مرانعہ - (Translation)

THE GENERAL CLAUSES ACT.

No. III of 1308 F

(Received the assent of H. E. the Madarul Moham on 14th Isfandar 1308 Fasli).

Whereas it is expedient to have brevity in the text used in the laws made by the Legislative Council H. H. The Nizam's Dominions, and to make certain provisions for the construction and application thereof;

It is hereby enacted as follows:-

PRELIMINARY.

1. This Act may be called "The General Clauses Act" and shall come into force atonce* in the whole of H.H. The Nizam's Dominions.

GENERAL DEFINITIONS.

2. In this Act, and in all laws

Definition. made by the Legislative

Council of H. H. The

Nizam's Dominions, unless there is

ه کا بر مورد او مر ر رور ۱۱ مرد مرد مدار مسار مدار من برداند

^{*}Published in the Jarida dated 28th Isfandar, 1308 F

General Clauses [1308 F: HYD. ACT III (Translation)

anything repugnant in the subject or context,—

- (1) the word "Act" and the words denoting code shall mean the Act for the time being in force;
- (2) the word "Part" when used "Part" with respect to any Act shall mean a part of the Act in which the word is used;
- (3) the word "Chapter" when used with respect to any Act shall mean a chapter of the Act in which the word is used;
- (4) the word "Section" when used "Section" with respect to any Act shall mean a section of the Act in which the word is used;
- (5) the word "Sub-section" when used with respect to any section shall mean a subsection of the section in which the word is used;
- (6) the word "schedule" shall mean a Schedule to the Act in which the word is used;
- (7) the words "Mamalik-e-Mahrusa
 "Mamalik-e-Mahrusa-Sarkar-e-Ali" (i. e. His
 Highness the Nizam's
 Dominions) shall mean
 the whole of the territory
 which is or may hereafter
 come under the suzerainty

قالة ن تعبيروا طلاق قوانين نشان دس پيمنسال ب كل قوانين مرتدمحلس دصنع قوامين مالك محروسه سرکا رعا کی میں بھڑ اس کے کہ مصمون پاس عمارت اس کے خلا ٹ بھو۔ ت نون ١١١) - لفظ "قانون" اوران الفاظ مع جوتى مجموعة ما اذن يه دلالت كرتے موں تا وُن ما وذا لوقت سے مراد ہوگی۔ مصر - إرم) - لفظر حصد " سے جب وہ كى قا دن معملق استمال كياطائ استان فون ال حصهمراد بوكايس من لفظ مذكوراستمال موارمو-باب ارمع) - نفظ در باب سے جب وہ كى ما بى ن كے تعلق استمال كيا طسيع اس مانون كا بابمرا دبوگاجس مِن لفظ ندكه راستهال بوايو -رنسس الهم) د افظ د وفعه سے جب وہ كى فا نون سمتعلق استمال كا حاسب اس فالذن كى د نعه مراد بهو گی حس میں لفظ ند *کور استع*ال ہو۔ صمن (۵) لفظ الضمن "عدد وكال وفعر معتمل استعال كيا جاست - اس دفعه كالنمن مراد بوكاجس من لفظ مدكوراستمال بموابهو-نسيسه (۲) د انفطاله صنيمه استاس قانون م المنيم مرا وبركا مس من لفظ مُدكور استمال بوارسه ممالک محرور مرکا رجالی | (۵) _ الفاظ" مالک مجرو سرارياني "سعده تمام فلمردمراد مرجوبندكال على حضرت منظلہ العالی کے تبصیراً قبدا رس ہے یاآ بیڈ

of H. H. the Nizam, except the areas as H. H. the Nizam may exempt for the purposes of all laws or of any particular Act. For the words "Mamalikate-Asafia" or "Sarkar-e-Asafia" wherever used in the Acts made by the Legislative Council the words "Mamalik-e-Mahrusa Sarkar-e-Ali" (H.E.H. the Nizam's Dominions) or "Sarkar-e-Ali" (the Government) shall be substituted;

*[(7-A) the word "Balda" shall mean "Balda" the city of Hyderabad and shall also include suburbs;]

(8) the word "district" shall also "District," extend to the city and suburbs as well as to the *[Amaldari of Sirpur-Tandur;] and the Board of Revenue, or any authority whom the Government may appoint shall exercise the powers of a District Taluqdar for the city and suburbs;

**[(9) the words †"Sarkar-e-Ali"
"Sarkar" shall mean the Prime
Minister. In all Acts made
by the Legislative Council the words
"Sarkar-e-Ali" shall be substituted for
the words "Madar-ul-Moham Sarkare-Ali" or the word "Sarkar";]

آ مے بحران تطعات کے جن کوبندگان اعلی حضرت رآما دموگاا ورسره ن بلده هی اس

^{*}As amended by Act No. VI of 1310 F.

^{**}As amended by Act No. XV of 1329 F.

[†]See Act No. XVIII of 1950,

له ترمیم بوجب دخه ۳ قانون نشان ۲ منظیلات که ر ترمیم بوجب د نوم آقانون نشان ۱۵ منظیلات که وش ما خط بونسلکرقانون شان ۱۸ منظوم و نوم من

(10) "Principal Revenue Department" shall mean the Board of Revenue, or the department vested with powers of the Board of Revenue, in reference to which the words "Principal Revenue Department" are used;

(11) the words "Local Authority" shall mean a municipal committee, local fund committee, or such other committee which may be entitled to expend and control any local income according to law;

(12) the word "Taluqdar" shall mean the officer in charge of the administration of the Revenue Department of a district; and in the *[Amaldari of Sirpur-Tandur, the Amaldar, Sirpur-Tandur shall be deemed to be the Taluqdar;]

(13) "District Court" shall mean the principal Court of original jurisdiction in a district;

(14) the word "Magistrate" shall include every person exer"Magistrate" cising all or any of the powers of a Magistrate under the Code of Criminal Procedure but shall not include the judges of the

مَا وَ نَ تَعِيرِ وَاطَالِ قَوَاتِينِ مُثَانِ وَمِهِ مُسْلَدُتُ

^{*}As amended by Act No. VI of 1310 F.

[۔] ترمیم موجب فوم قانون نشان ومنا الدن

1308 F: HYD. ACT III] General Clauses

(Translation)

High Court or the Judges of Divisional Courts:

- (15) the word "Jarida" shall mean the Jarida notified by the "Jarida". Government which is published under the order of the Government;
- (16) the word "Notification" shall mean a notification published in the Jarida by a lawful order;
- *[(16-A) the word "Order" shall mean an order given by a "Order" Government servant in exercise of any power vested in him by law;]
- (17) the word "Rule" shall mean a rule made in accordance with the power conferred by any law;
- *[(17-A) the words "Government Servant" shall include every person who receives a monthly pay or remuneration from the muneration from the towages for Government work, or who does any Government work without wages;]

قا بو ر انعمروا طلاق قوانين ليّان دس بخير له نظادعدالت سمت اسمين داخل نديون مح -بلااجرت كرتابهو

کے ۔ ترمیم موجیب دفع ۲ قانون کشان ۱ ام⁶⁴⁷لرت کلے ۔ ترمیم بموجیب دفعہ کائن ۵ قانون کشان ۲ سزاسیات سلے ۔ ترمیم بموجیب دفعہ ۲ قانون نشان ۲ سناسیات

^{*}As amended by Sec. 2 of Act No. VI of 1310 F.

[†] As amended by Act No. XV of 1329 F.

(Translation)

Explanation (1). Railway employees, members and servants of municipal committees shall also be considered as Government servants;

Explanation (2). Wherever the expression "Government Servant" occurs, it applies to every person who is virtually holding the office of a Government servant, whatever defect there might be in his right to hold that post;

‡[(17-B) the words "Act of a Government" shall mean an act which he may do in the official capacity;]

(18) the words "Order of a Government servant" shall mean only the order made by a Government servant in the exercise of his official powers virtually vested in him or which he believes in good faith to vest in him and has not been cancelled by any other order;

(19) the word "power" means a "Power" legal power;

‡[(19-A) the word "property" shall extend to both immovable and movable;]

(20) the words "immovable property" shall include land, rights of benefits arising out of land and all things

‡As amended by Act No. VI of 1310 Fasli.

ر ہے ۔ (۱) ۔ ملا زمان رملو ہے اور اركان وملازمان مجانس صفاتي بمحى طازم اله . ترميم موجب دفير المنمن التا يؤن الثان

ی در ن تعدد اطلاق توامین نش*ان (۱۳) من*سل

1308 F: HYD. ACT III] General Clauses.

(Translation)

attached to the earth, or permanently fastened to any thing attached to the earth so long as it is thus attached or fastened;

(21) the words "movable property" shall mean property of every description other than immovable property;

*[(21-A) the word "goods" shall not extend to immovable property;]

(23) the word "writing" the expressions including the "Writing" word "writing" shall include impression of every kind and every mode by which words are represented on any material substance;

(24) the word "signature" and the
expressions including the
"Signature" word signature shall, when
used with respect to any
person who is unable to write his name,
include the mark of his seal, or any
other "mark";

(25) the word "document" shall include any matter recor-"Document" ded in writing by such means as are intended to تا دن تبریز اطلاق توانین دنیان دس سیسین د داخل مبول گی جوزمین سیطفتی بهوں یا اسی شئے کے ساتھ دائم سیستہ رہیے ۔ وہ اس طور پڑھتی یا بیویستہ رہیے ۔ جائدا دنیقولہ] (۲۱) ۔انفاظ" جائدا دُنقولہ" جائدا دنیونی تو لہ کے علاوہ ہشرم کی جائدا دمرات ۔ مال - او القرائع) لفظ" مال" جائدا دغیر تولہ یرصاوی تہ ہوگا ۔

† [(22) "rupee" means a rupee in I.G. currency and fractional denominations of a rupee shall be construed accordingly;]

تحسریر - ارسام) - لفظ " کوری اوران لفا میں جن میں لفظ سح پرشائل ہو ہوئم کا جھا جو اور ہرای طریقہ داخل ہے جس کے ذریعہ سے الفاظ کسی ما دی شئے برظا ہر کئے جائیں -رستخط - ارسم ۲) - لفظ " رستخط" اوران لفاظ میں جن میں لفظ رستخط شائل ہو صب وہ تبعلق کسی ایشخص می تعمل ہوں جو اپنانام ند کھے سکے تواسکی علامت مہریا اور کوئی " علامت" واصل ہوگی -علامت مہریا اور کوئی " علامت" واصل ہوگی -دستاویز ار ۲۵) - لفظ" دستا ویز " بین اہر

ه يرميم بموجب نعم المن در ١٥ قانون نشان ٢ مناسلان

†As amended by Act No. I of 1953. Published in Gazette Extraordinary No. 47 dated 1st April, 1953.

^{*}As amended by Act No. VI of 1310 F.

(Translation)

be used, or which may be used, for the purpose of recording that matter;

†[(25-A) the words "valuable security" shall mean a document which is or purports to be a document whereby any legal right is created, extended, transferred, restricted, extinguished, or released or whereby any person acknowledges that he is legally liable or that a certain legal right does not belong to him;]

‡ (25-B) the word "bond" shall also include a document where"Bond" by a person promised to another to make payment of money on condition that, if a particular act is done or a particular act is not done, the said promise shall become void;

(26) the word "will" shall include a codicil and every writing "will" having a mention of a voluntary posthumous transfer or disposition of any property;

‡[(26-A) the word "registered" shall be said of a document "Registered" duly registered in H. H. the Nizam's Dominions;]

‡As amended by Act No. VI of 1310 F.

قا بون تعبیه واطلا**ق قرانین نشان (۱**۲)م ته ده وعده من بهوجا<u>س</u>ے گا

ا مرمم موجد فرم من و در من الون نشان (۲) مناصلات المساعد من مرمم موجد فود الممن و فالون نشان ۱۲) مناسل مناسل

1308 F: HYD. ACT III] General Clauses (Translation)

(27) the word "oath" shall include affirmation and every dec-"Oath" laration of the person by law allowed to affirm or declare instead of swearing;

*[(28) the word "affidavit" means the statement made in "Affidavit" writing and certified by oath before an officer of a court or other authority;]

(29) the word "act" when used with
respect to an offence or
"Act" wrong for which a suit
for damages can be instituted shall include a series of acts; and
words which refer to acts done shall
also extend to illegal omissions;

(30) the word "offence" shall mean any act or omission made punishable under any law by a Criminal Court;

(31) the word "abet" and its deri-"Abet" vatives shall be used in the same meaning as in the Hyderabad Penal Code;

(32) the word "illegal" applies to "Illegal"

قابون تعدد واطلاق توانين - نشان دس بريسلون مَّ يَوْنِ مِهِ لَكِ مِحْرُوسِهِ مِركارِهَا لِي مِن بِعِوثَى مِهِ -ملف بيل اقرار ١٠٤١) لفظاله حلف "بيل اقرار صالح اور سراقرارا يستخص كاد اخل بوكا جو كا ك صلف قا لوناً اقرارصالح يا اقراركر نے كا محازمو-بیان فعی ۔ اروپ کا الفاظ" بیان فلفی" سے مرا دایسایان سے ویڈر رائد کھر ہر کیا جا کے اور ص كى تقىدى*ق ملف سىلى حاكم عدالست* ما كم في زكر رويروكي من بو-بناة كتحبيرم بإفعل ناجائز تحيص كى بابته برجيركا دعوى بهوسكما ميواستعال ببوسلسله افعال وافل موكااور ويفاظ حصل مرتكيه بينطيسو بسين ناجاتزتر بھنی ما وی ہوں گے۔ جسم - إروسل لفظ" جم" سيكوتي ايب ل با ترکفول مرا د بیوگا چوکسی فالون کی رو سعیمدا فورداری سے قابل سنرا قرار دیا گیا ہو۔ مجموئه نتعز براية حمالك بحروسر بمسركا دعالي مين أبتعال - Usan 34 <u> خلاف قانون _ المهاط " خلاف قانون "</u>

له يرميم موجيك فعراضمن (١٠) قانون نشان استعلان

^{*} As amended by Act No. VI of 1310 F.

General Clauses [1308 F : HYD. ACT III

(Translation)

everything which is an offence or which is prohibited by law, or which forms a ground for a civil action;

"Legally bound to do" may be used in respect of a person when its omissbound to do" ion by him is illegal;

Boy Brown Kills She

College in the Did have

(34) the word "injury" means every kind of damage illegally caused to any person in body, mind, reputation or goods;

"(35) the words "public nuisance"
"Public shall mean a public
nuisance" nuisance as defined in the
Hyderabad Penal Code;

Charles and the state of the said

The state of the said

Maria Carlo

"An act to done in good faith?" also be done in in the case where it is in good faith?" fact done in good faith eventhough it is done negligently;

(37) the word "imprisonment"
"Imprison shall include both rigorous ment" imprisonment and simple imprisonment;

(38) the word "month" means a month reckoned according to the *[Ilahi] era;

*As amended by Act No. VI of 1310 F.

قاتون تعبيرواطارق قوانين رنتان ٣ اكم المستعلاف كامراييهامريرا طلاق ہے جوجب مرم ہويا قاتوناً ممنوع ہو پاکسی ّالق دادِ ا کی نیا دیر قائم کرے۔ كاكرنا قالة ناً واحب المحية خض كيمتعلق امن نت تعال کیے ماسکیں گےجب کو استخص کااس ا مرکوترک کرتا خلات قا نون مو ۔ مضرّت ۔ ۲۷ سل) لفظ مضرت مسے ظرح كانقصان مرا د سيع حو خلا ف قانون فسيخص ليا ما برے خوا ہ و ہ عفلت ا

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(Translation)

- (39) the word "year" means a year reckoned according to the *[Ilahi] era;
- (40) the words importing the singu-"Singular lar number shall also and plural" extend to the plural number;
- (41) the words importing the mas-"Masculine culine gender shall also and extend to the feminine feminine" gender;
- (42) the word "public" extends to every community of public or class of people;
- (43) the word "person" shall "Person" include any company or association or body of persons, whether incorporated or not,

*[(43-A) the word "minor" means "Minor" a person the eighteenth year of whose age has not been completed;]

- (44) the word "father" shall "Father" person in whose personal law adoption is permitted and who has adopted;
- (45) the word "son" shall include every such person in whose personal law, adoption is permitted and who has been adopted;

*[(45-A) the word "cattle" shall "Cattle" include elephant, camel,

تانون تعبيروا طلاق قونين به نشان ‹ مع بمسيم بسيله ف سَال - ١ (٣٩) _ لفظ مال سف وه سال مراد بعج مطابق مساب الني كم شماركها ماك -واحدوجع - مرح) - الفاظ بوصيعه وا حدير دلات كرتے بول صيغه مجع بر يمي ها وي بول سے -يَدَرُومُونَتْ - (١٧٦) - الفاظعِ صِبْن مَركر مرولالت كرتے بول مبن مونث يوسى ما وى بول كے ر برور ۱۷۴) - لفظ عامه برنسوت حِماعت ماگر وه استخاص کا د اصل بهو گاخوا ه اس کو واحل پو گامس کے تا تون ڈیا تی میں سنبہ a a state a a at

^{*}As amended by Act No. VI of 1310 F.....

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(Translation)

bullock, buffalo, horse, pony, mule, ass, pig, ram and goat;]

- (46) the word "vessel" shall include every ship or boat,
 "Vessel" or other description of
 vessels which may be used
 in navigation;
- *[(2-A) In this Act and in all Acts passed by the Legislative Council, unless there is anything repugnant in the subject or context—be of Government.
 - (1) when there is a reference to the area of H.H. the Nizam's Government, it shall be deemed to include the area of the Sarf-i-khas also:
 - (2) when there is a reference to a government servant, it shall also include a servant of the Sarf-i-khas.

APPLICATION OF ACTS.

- 3. Unless a different intention Extent. appears—
- †[(1) every Act shall extend to the whole of H.H. the Nizam's Dominions;
- (2) every Act shall come into operation after one month from the date of publication thereof in the Jarida;

†As amended by Act No. VI of 1310 F.

آنا وَن بَعِيهِ و اطلاق **وَ أَ** بِينَ ـ نشان دس) سينسل م

مه ترميم بوجب وفعرم قانون نشان ٩ سم المسلم دن مدم ميم بوجب وفعرم قانون نشان ١ سمستاسلدن

^{*}As amended by Act No. IX of 1322 F.

1308 F: HYD. ACT III] General Clausses (Translation)

- (3) when an Act comes into operation all those enactments and parts of enactments shall be repealed the subject of which has been merely repeated in, or is absolutely contradictory to that Act;
- (4) by a repeal of any Act the enactments and orders which might have been repealed thereby shall not come into operation;
- (5) a repeal of any Act shall not Effect of affect repeal.
 - (a) the previous operation of any repealed enactment or anything established by that enactment or duly done; or
 - (b) any right, privilege, obligation or liability accrued or incurred under any repealed enactment; or
 - (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any repealed enactment; or
 - (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy shall be instituted, continued or enforced, and any

تا نون تعبيردا طلاق توانين - نشأ ن (١٧) سه المعلم ف ينيخ - إ (علم) يعب كو بئ قانون نا فذكياها ته وه کل تو انین ا ور ا حزارقو انین نسون*ج بهو صا* یموا میمو <u>–</u> ما

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(Translation)

such penalty forfeiture or punishment shall be so imposed as if the enactment had not been repealed.]

4. Where any provision of an Act is repealed and it is re-enacted in the repealing Act without any change in the objective, the references in any other enactment or instrument in respect of the provision so repealed shall, (unless a different intention appears) be the reference in respect of the provision so re-enacted.

5. (1) If any period of *[time] is mentioned the day from which it is stated to commence shall not be included in the time but the day upto which it is stated to last shall be included therein;

(2) If any amount or quantity is mentioned, it shall include the highest limit expressed therein.

6. Where, by any Act, an Act or proceeding is done, or allowed in any Court of office on a certain date or within a prescribed period, then, if the said Court or Office is closed on that date or on the last day of the prescribed period, the act or proceeding shall be considered as done or taken on the due date or in due time if it is done on the *[day] on

می نون بقیرو اطلاق نوائیں۔ نشان ۱۳ سنسٹالیہ ت یا نافذ کی جا کے گی اور کو ٹک ایسا تا وان پائسطی یا نزا بسی طرح عائد کی حاکمے گی کد گو یا کہ پینے عمل میں نہیں آئی نفی ۔

تعييرتنبوخ شده قوانن الوقعس ۱ و رق**ا نون نشخ کننده س وه ملانند** منضط مرتو و وحوالي بيوسي ا ورق نول تتعلق بيول تحيج حود و ماره منضبط ا کھی کی وکر کہا جا ہے تووہ دن حس کا غاز *ں د*اکل تہ ہوگائشن حس دل کے أس كا قيام مذكور مرو وه داخل بروسكا. سىررقم بامقداد كا ذكركما خا

^{*}As amended by Act No. VI of 1310 F.

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(Translation)

which the said Court or Office is open.

7. Measurement of a distance for Measurement of the purposes of any Act shall, unless a different distances. intention appears, be made in a straight line on a plane.

8. Where, by any act, any duty of customs or excise or in the nature thereof is leviable on a certain quantity, by enactment.

of grains or merchandise then a like duty shall, unless a different intention appears, be leviable at the same rate in proportion to the quantity.

POWERS AND FUNCTIONARIES.

9. Where, by any Act, any power is conferred, that power may be exercised from time to time as occasion requires.

to confer any authority or to make an appoint includes power to appoint appoint ex officio.

Where, by any Act, a power to confer any authority or to make an appointment to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, such

قانون تعبيروا لملاق توانيق - نشان ١ س) مست عليه ما دفتر ند کور تھلے تو وہ اُسی تا ریخ پاُسی مرت کے۔

(Translation)

authority may be given, or such appointment may be made, either by name or by virtue of office; and every such authority or appointment shall take effect from the date on which intimation thereof reaches the person appointed and, where the appointment is made by notification in the Jarida, from the date of its publication in the Jarida.

*[Explanation:—The power to confer authority includes the power to cancel or modify authority conferred.]

When any Government servant is invested with powers Exercise of within an area of land, powers in and is transferred to any case of other office of a like nature. transfer from one either equal to, or higher office to than the office aforesaid, another. then unless it is otherwise directed, the said person may exercise the same powers in the area of land to which he is transferred.

Power to appoint includes power to suspend or dismiss.

Where, by any Act, a power to make any appointment is conferred on any officer, then unless it is otherwise expressly provided, he shall also have power to suspend or dismiss any

تا زن تعبيرو اطلاق فوانين - نشان ۲۶ پسٽ ساليرٽ كحكياجاتا ببوتو تارتح انتباغت اس رفیدا رخهی می وسی احت

سهة دميم مموحب وفعدا قانون نشان اسسست عائد ف

^{*}As amended by Act No. VI of 1310 Fasli.

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(Translation)

person appointed in exercise of that power.

Substitution of functionaries.

Substitution of functionaries.

Substitution of functionaries.

Substitution of functionaries, for the purpose of indicating that a law relates to every person or persons for the time being exercising the powers in an office, to mention the designation of the officer at the time or generally exercising the said powers.

officer shall also apply to Successors. the successors of that officer and such of his deputies and subordinates as may be lawfully dicharging the duties of that officer.

PROVISIONS AS TO ORDERS AND RULES MADE UNDER ENACT-MENTS.

15. Where, by any Act, a power to make orders, rules or forms is conferrred, then, · Power to make rules, such power shall be exeretc., includes cised in accordance with the provisions of that Act, power to and the rules made shall add, vary or rescind be published in the jarida, them. and, on the publication, shall have the force of

قانون تعموراطلاق تواثين - نشان دس

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law; and the aforesaid powers shall also include the power to add, to vary or rescind the orders, rules or forms made thereunder in such manner and subject to such restrictions and conditions as may be laid down in that

Making and issuing of rules, etc., between passing and enenactments. >

Where, by any Act, which is not to come into operation immediately on the passing thereof, a power is conferred to make rules or to issue orders with respect to forcement of the application of the relevant Act, or with respect to the appointment of any.

Judge or officer or with respect to the establishment of a Court or officer, or with respect to the person by whom or the time when, or the place where, or the manner in which, or the fees for which anything is to be done under the Act, then, that power may be exercised at any time after the passing of the Act; but rules, or orders so made and issued shall not take effect till the commencement of the Act.

تفانون تعدرواطلاق قوانين - نشان (مع) من سل من يت أس قالون كاستمال كياجا في كاراور

کی روسیچین کانفا ذعین لوقت شطوری نه بیو قواعدكي مرتب كريم كالمتعلق قالذن كواطلاق ہیںے ایکا مهجا ری کر نے کا انعتبا رعطا وة ما وتت نفاذ حسا يؤن مذكورنات ريد

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17. Where, by any Act, a power to make rules is given subject to the condition Provisions to make rules, . of the rules being made etc., after after previous publication, previous pub-lication. then, unless a contrary intention appears, the following provisions shall apply:-

- · (1) the authority having power to make the rules shall, before finally making them, publish a draft of the proposed rules in the Jarida;
- (2) there shall be published with the draft a notification for a date after which the draft will be taken into consideration; and that date shall not be within one month from the date of publication of the notification;
- (3) the authority having power to make the rules, and where the rules are to be made with the sanction, approval or concurrance of another authority, that another authority also, shall consider any objections and opinions which may be received by the authority having power to make the rules from any person with respect to the draft before that date fixed; but no person shall be allowed to make an objection to the effect that a certain objection of opinion has not been considered.

18. Where, by any Act, a power to issue orders, rules or forms is conferred; then Construction of orders, expression in such orders, etc., issued rules or forms shall, unless under enactthere is anything repugnant in the subject or conقا**دُن** نبىي**ر**اطلا*ق قوانين - نشان دم ، پيشن*اله

ments.

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(Translation)

text, be taken to have the same meanings as in the Act.

Where any Act is repealed and is enforced as a new Act with or without modifica-Continuation tion, then, unless it is otherof rules etc., issued under wise expressly provided, enactments any order, rule or form repealed. issued under the repealed Act shall, so far as it is not inconsistent with the provisions of the new Act, continue in force, and be deemed to have been issued thereunder, unless and until it is repealed by any order, rule, form or procedure issued under the new Act.

MISCELLANEOUS

20. The provisions of the Hyderabad Penal Code and the Code of Criminal Procedure relating to fines shall apply to all fines imposed under any Act or rule, unless the Act or rule con-

خالون تعبيروا طلاق قرانييدار مشان دس سنت باتواعد بالمونهات سحيهاري كرني كالمختار عطاكيا كي بوتواً ن ا حكام يا قواعد يا مونديات

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(Translation)

tains an express provision to the contrary.

- 21. Where an Act is an offence under two or more Acts, the offender shall be liable to be punished under any of those Acts; but shall not be liable to be punished separately under the two Acts for the same offence.
- 22. (1) Where any Act is to be cited, it may be cited with its short title or its number and year.
- (2) When a certain provision of an Act is cited, it may be cited by reference to the section and sub-section in which the provision is contained.
- (3) Where any portion of an Act is cited, the citation shall, unless a contrary intention appears, be deemed to include the words in the beginning and end of that portion.
- Appeal against orders of punishment passed by the Court or departmentally shall unless it is otherwise provided, lie to the department immediately superior to the department imposing the punishment.

قا لۇلاتىردا ملا*ق قوانىن - ئشان د*ى نتان وسال سيرأس لأفركر جس میں دھ کرد